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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,842	08/26/2003	Bruce W. Weiss	01AB160	7223
7590 11/19/2003			EXAMINER	
Susan M. Donahue Rockwell Automation, Inc. 1201 South Second Street, 704P Milwaukee, WI 53204			PATEL, DHIRUBHAI R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/649,842

Applicant(s)

WEISS ET AL.

Examiner

DHIRU R PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-20 is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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Part III DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a first face and a second face recited in claims 1 and 16 must be shown or the feature(s) canceled from the claim(s). The examiner suggest showing reference number for a first face and a second face. A proposed drawing correction or corrected drawings are required in reply to the office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. No new matter should be entered.

Applicant is responsible for showing reference number for claimed invention.

2. Applicant is required to submit a proposed drawing correction in reply to this office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1- 4, 13-15 as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Newmark et al (4,688,146).

Newmark et al disclose :

Regarding claim 1, a conduit knockout 35 (see fig 5) made from a wall section 12 having a first face and an opposite second face (see fig 5), the wall section defining a break-away section (a break-away section for radius Ra or Rb) having a first side coplanar with the first face and an opposite second side at least a portion of which is between the first and second faces so as to create a groove 40, 41 (see fig 5, column 3 lines 38-65) in the wall section opening to the second face side of the wall section defining at least a portion of a periphery of the knockout (see fig 5), wherein the wall section defines an essentially continuous, unbroken surface across the break away section (see fig 5) and permits separation of the knockout from the wall section at the break-away section by rotation of the knockout (see fig 5, column 3 lines 38-65).

Regarding claim 2, wherein the break-away section includes a tab portion 38, 39 having opposite sides at the first and second faces of the wall section (see fig 5, column 3 lines 40-50).

Regarding claim 3, wherein the break-away section includes two tab portions 38, 39 spaced apart 180 degrees and both having opposite sides at the first and second faces of the wall section (see fig 5).

Regarding claim 4, wherein the knockout is generally circular (see fig 5).

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Regarding claim 13, wherein the wall section is part of an electronics housing 11(see fig 1, column 2 lines 10-15).

Regarding claim 14, wherein the first face of the wall section is at an interior of the housing (see fig 1).

Regarding claim 15, wherein the wall section is plastic (see column 1 lines 44-50).

Allowable Subject Matter

4. Claims 5-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 16-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reasons for the indication of the allowability of claims 5-12, 16-20 are the inclusion therein, in combination as currently claimed, of the limitation of further including a tool receptor integral with the wall section within the periphery defined by the break-away section and is adapted to receive a tool (for claims 5- 12), the wall section defines a pocketed tool receptor within the periphery defined by the break-away section adapted to receive a tool (for claims 16-18), molding into the conduit knockout a tool receptor adapted to receive a tool for applying torque to break the break-away section and remove the knockout from the wall (for claim 19), and attaching a tool to a tool receptor portion of the knockout (for claim 20).

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The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

Other prior art cited

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jorgensen disclose a box similar to applicant's claimed invention.

Contact information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is (703) 308 -3748. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard be reached at 703-308-3682. The fax number for this Group is 703-305-3431. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Dhiru Patel
Patent Examiner
Group Art Unit 2831
November 14, 2003

Dhiru Patel
Primary Examiner
11/14/03